

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lekha Gopalakrishnan on 18 August 2011.

The application has been amended as follows:

Please cancel claims 10-20.

Please replace claim 4 with the following:

A method of making the nanotubes-amino acid of claim 1 comprising the steps of:

- a) providing a plurality of fluorinated SWNTs;
- b) reacting said fluorinated SWNTs with an ester of an amino acid to form amino ester-functionalized SWNTs; and
- c) hydrolyzing said amino ester-functionalized SWNTs to yield the nanotubes-amino acid of claim 1.

The following is an examiner's statement of reasons for allowance:

None of the cited prior art either alone or in combination, disclose or reasonably suggests a functionalized nanotubes with the formula $\text{SWNT}-[\text{-NH}-(\text{CH}_2)_n\text{-COOH}]_m$ wherein n is between about 1 and 20 and m is between about 1 and 10,000.

Cited Russian reference, which is deemed the closest piece of prior art, discloses a hydrogenated SWNT with the same functionalized group, however the hydrogenated SWNT differs from the non-hydrogenated SWNT of claim 1.

Citation is made to the Stevens reference (supplied by applicants) discloses a structure that has NH_2 **not** NH in the functionalization group (such that it is $\text{SWNT-NH}_2\text{-CH}_2\text{-COOH}$). Stevens also discloses a method of making which differs of that from applicants in as much as applicants recover via usage of bromination+ammonia whereas Stevens employs recovery via a terminated alkylidene diamine in the presence of pyridine.

Newly cited WO2004013043 to Prato discloses a SWNT functionalized with $\text{R}'\text{-NH-CHR}''\text{-COOR}'''$ (4:10-15) wherein R' , R'' and R''' can be one selected from the group consisting of H , $\text{C}_n\text{H}_{2n+1}$ or $(\text{CH}_2\text{CH}_2\text{O})_n$ ($1 \leq n \leq 20$). The R' group causes the structure to differ from instant claim 1 (For instance it would be $\text{SWNT-H-NH-CH}_2\text{-COOH}$).

Accordingly claims 1-9 are considered allowable over the cited prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD M. RUMP whose telephone number is (571)270-5848. The examiner can normally be reached on Monday through Friday 7:00 AM-4:30 PM (-5 GMT).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571)272-1358. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

/R. M. R./

Examiner, Art Unit 1736

/Stuart Hendrickson/

Primary Examiner, Art Unit 1736